



PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number	10/713,697
Filing Date	November 14, 2003
First Named Inventor	Kenneth R. Thurm
Art Unit	3618
Examiner Name	Unknown
Attorney Docket Number	THURM-006A

Total Number of Pages in This Submission

ENCLOSURES (Check all that apply)

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to Group |
| <input checked="" type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | - Petition to Make Special |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | - Declaration of Kit M. Stetina |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | - Return postcard |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application | Remarks | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Kit M. Stetina, Esq. STETINA BRUNDA GARRED & BRUCKER - Customer No. 007663
Signature	
Date	August 12, 2004

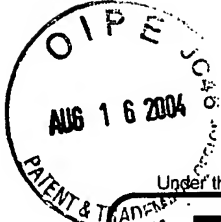
CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. Washington, DC 20231 on this date:

Typed or printed name	Josephine I. Weissberger		
Signature		Date	August 12, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)**130.00**

Complete if Known

Application Number **10/713,697**
Filing Date **November 14, 2003**
First Named Inventor **Kenneth R. Thurm**
Examiner Name **Unknown**
Art Unit **3618**
Attorney Docket No. **THURM-006A**

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number **19-4330**
Deposit Account Name **Stetina Brunda Garred & Brucker**

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$) 0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims -20** = X =
Independent Claims -3** = X =
Multiple Dependent =

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$) 0.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	130.00
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**130.00**

SUBMITTED BY

Name (Print/Type) **Kit M. Stetina** Registration No. (Attorney/Agent) **29,445** Telephone **949-855-1246**
Signature Date **August 12, 2004**

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Application No.: 10/713,697

Attorney Docket: THURM-006A

IFW/DAC



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Kenneth R. Thurm	)	Confirmation No.	2718
)		
Serial No.:	10/713,697	)	Art Unit:	3618
)		
Filed:	November 14, 2003	)	Examiner:	unknown
)		
For:	VERTICALLY STOWABLE)		
	MODULAR MULTI-PURPOSE)		
	TRAILER)		

PETITION TO MAKE SPECIAL (BASED UPON INFRINGEMENT)

MAIL STOP PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

Pursuant to Section 708.02(II) of the Manual of Patent Examining Procedure, Applicant, through his counsel, hereby petitions the Commissioner of Patents for an order to make the examination of the above-referenced patent application special based upon infringement.

Applicant submits herewith the Declaration of Kit M. Stetina, Esq., alleging that there are infringing devices or products actually on the market. In particular, the Declaration of Kit M. Stetina states Applicant has been informed by Applicant's dealers that products made in accordance with the disclosure of the above identified patent application are being offered for sale in the United States. These products are identified as DIAMOND DECK TRAILERS, a copy of which is attached as Exhibit A to the Declaration of Kit M. Stetina.

Moreover, the Declaration of Kit M. Stetina states that a rigid comparison of the alleged infringing products or devices (i.e., DIAMOND DECK TRAILERS) have been made and that, in Mr. Stetina's opinion, some of the claims are unquestionably infringed.

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130.00 OP

Application No.: 10/713,697

Attorney Docket: THURM-006A

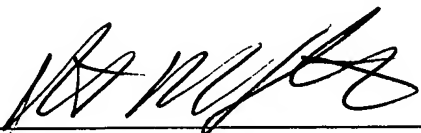
Additionally, the Declaration of Kit M. Stetina states that Mr. Stetina has good knowledge of the prior art.

Therefore, Applicant respectfully requests that the Commissioner of Patents grant this order to make the examination of the subject application special based upon infringement. Enclosed herewith is the Petition fee of \$130.00 as set forth in 37 C.F.R. 1.17(h) as required by 37 C.F.R. 1.102. In the event that charges should exceed this amount, the Examiner is instructed to charge our Deposit Account No. 19-4330.

Respectfully submitted,

Date: 8/12/04

By:



Customer No.: 007663

Kit M. Stetina
Registration No. 29445
STETINA BRUNDA GARRED & BRUCKER
75 Enterprise, Suite 250
Aliso Viejo, California 92656
Telephone: (949) 855-1246
Fax: (949) 855-6371

KMS/JCY/vrn

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Application No.: 10/713,697

Attorney Docket: THURM-006A



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Kenneth R. Thurm	)	Confirmation No.	2718
)		
Serial No.:	10/713,697	)	Art Unit:	3618
)		
Filed:	November 14, 2003	)	Examiner:	unknown
)		
For:	VERTICALLY STOWABLE)		
	MODULAR MULTI-PURPOSE)		
	TRAILER)		

DECLARATION OF KIT M. STETINA IN SUPPORT OF

PETITION TO MAKE SPECIAL (BASED UPON INFRINGEMENT)

MAIL STOP PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

I, Kit M. Stetina, a registered patent lawyer and attorney of record in the above-identified patent application, declare the following:

1. I have personal knowledge of the statements made herein.
2. On August 10, 2004, the Applicant of the above-identified patent application indicated to me that Applicant's dealers have knowledge that products fabricated in accordance with the disclosure of the above identified patent are currently offered for sale in the United States. Those alleged infringing products are identified as DIAMOND DECK TRAILERS BY TOWBLAZER, a picture of which is provided as Exhibit A. In this regard, products which infringe the claims of the above identified patent are actually on the market.
3. A rigid comparison of the DIAMOND DECK TRAILER with the claims of the application has been made, and in my opinion, some of the claims are unquestionably infringed.
4. I have good knowledge of the pertinent prior art.

Application No.: 10/713,697

Attorney Docket: THURM-006A

5. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date:

8/12/04



Kit M. Stetina

KMS/JCY/vm

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DIAMOND DECK TRAILERS

BY TOWBLAZER



Aluminum Diamond Plate Decking

Independent Torsion Suspension

Chrome 13" Wheels

Wheel Chock System

Built In Tie Down Points

2" Coupler

Capacity 2000 lbs

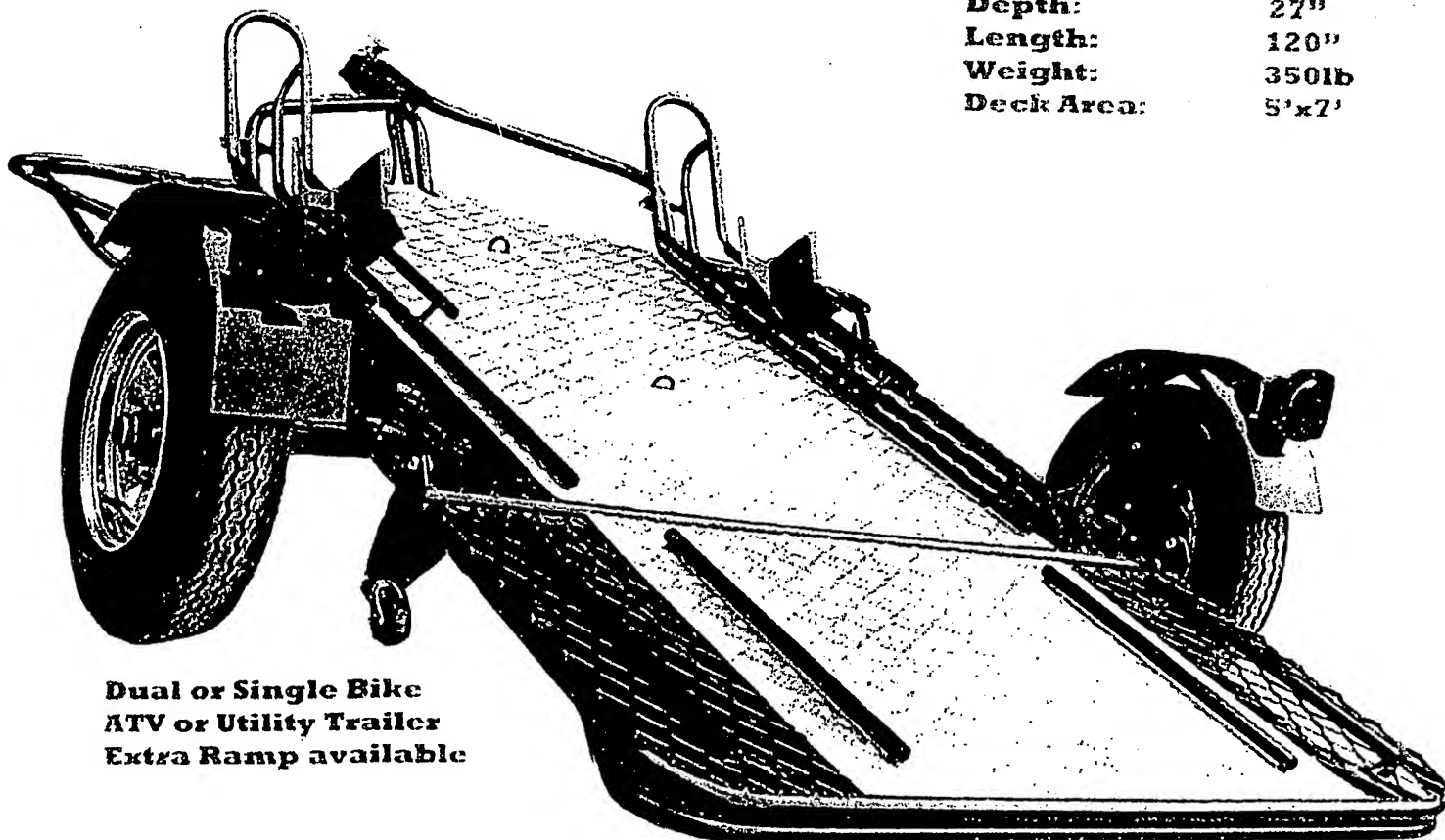
Warranty 1 year

FOLD UP

STAND UP



Standing Height: 90"
Width: 84"
Depth: 27"
Length: 120"
Weight: 350lb
Deck Area: 5'x7'



Dual or Single Bike
ATV or Utility Trailer
Extra Ramp available